

1 NICHOLAS A. TRUTANICH
United States Attorney
2 District of Nevada
Nevada Bar No. 13644

3 PATRICK A. ROSE
4 Assistant United States Attorney
Nevada Bar No. 5109
5 501 Las Vegas Blvd. So., Suite 1100
Las Vegas, Nevada 89101
6 (702) 388-6336
patrick.rose@usdoj.gov
7 Attorneys for the United States

8
9 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

10
11 KAYSEE NITTA,

12 Plaintiff,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.

2:17-cv-01137-GMN-CWH

**Stipulation and Order to Stay Damages
Discovery, Pending Ruling on Motion
for Summary Judgment**

16
17 For the reasons stated below, the parties, through undersigned counsel, respectfully
18 request and stipulate to a stay of damages discovery, pending resolution of the United
19 States' Motion to Dismiss or, in the alternative, Summary Judgment (ECF No. 32, filed
20 12/17/18) ("MSJ").

21 A district court has inherent power to control its docket and stay cases. *See Wallace*
22 *v. U.S.A.A. Life Gen. Agency, Inc.*, 862 F. Supp.2d 1062, 1068, (D. Nev. 2012); *Stern v. United*
23 *States*, 563 F. Supp. 484, 489 (D. Nev. 1983). On June 28, 2019, the Court issued an Order
24 (ECF No. 49), which, among other things, set a 45-day window (which would be August
25 12, 2019) for the United States to conduct damages discovery, along with a deadline of
26 August 16, 2019 for the United States' expert disclosure. The parties would like to defer
27 allocating time, expenses, and resources, if at all, to such discovery until after the Court
28 issues a ruling on the pending MSJ, which addresses the issue of liability. Additionally,

undersigned defense counsel will be out of the office for travel and attendance at a seminar in Columbia, South Carolina during July 15-19, 2019, and he has three summary judgment briefs due in other matters during the month of July 2019. Accordingly, the parties respectfully request an order providing that the 45-day window for damages discovery will be stayed until a ruling on the MSJ, and that the United States' expert disclosure will be due four days after the close of such discovery window.

This stipulated request is submitted for the reasons explained above, in good faith, and not for purposes of undue delay.

Respectfully submitted this 1st day of July 2019.

SGRO & ROGER

/s/ Anthony P. Sgro
ANTHONY P. SGRO
720 S. 7th Street, 3rd Floor
Las Vegas, Nevada 89101
Attorney for Plaintiff

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Patrick A. Rose
PATRICK A. ROSE
Assistant United States Attorney
Attorneys for the United States

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: July 5, 2019